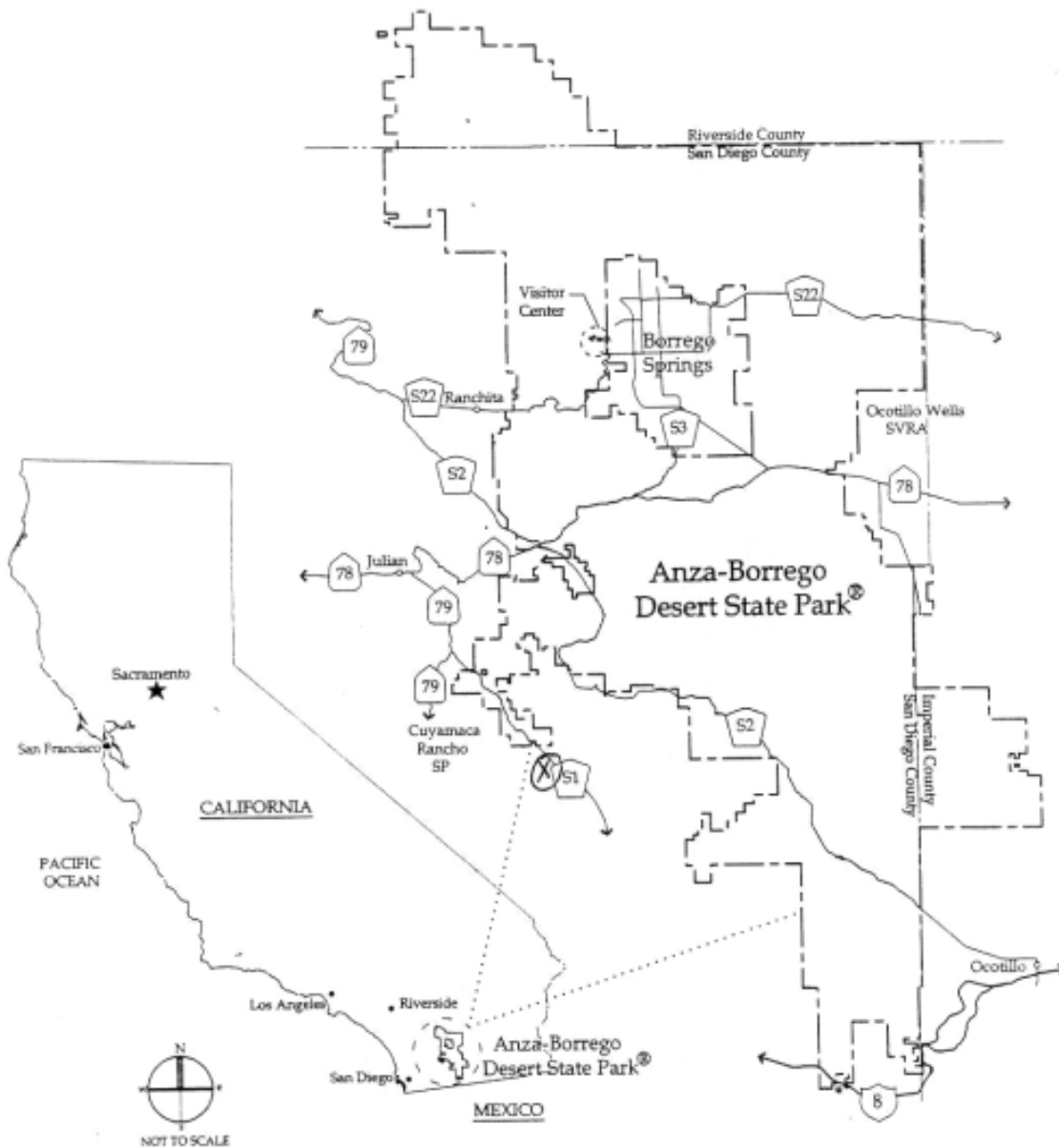


Attachments to Courtney Ann Coyle Letter:

Location Map



This map depicts general mapping boundaries. Every reasonable effort has been made to assure the accuracy of this map. However, this map and data are generalized and not survey based. Private land/ inholdings may not always be indicated on these maps.

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EXHIBIT 1

State of California - The Resources Agency

Memorandum

Date : January 6, 2003

To : Dave Van Cleve, Colorado Desert District
Steade Craigo, Cultural Resource Division
Clay Phillips, Southern Service Center

From : Department of Parks and Recreation
Bill Berry, Deputy Director, Park Operations

Subject : Anza Borrego Desert SP, General Plan, Protection of Cultural Resources

Based on our December 17, 2002 discussion, the following steps will be taken to assure that sensitive cultural resources are protected at Anza Borrego Desert State Park.

1. The draft general plan will be revised to make it very clear that future management plans (and their subsequent implementation) may result in road closures, camping reductions / closures and the establishment of land management designations such as Cultural Preserves.
2. The department will begin to prepare both a Roads Management Plan and a Back-Country Camping Management Plan, shortly after completion of the final general plan. The available funding (currently estimated at \$148,000) will be focused first on development of these 2 management plans as they relate to the 7 areas of cultural sensitivity identified by the GP team. In addition, they may also consider other locations suggested by the Cultural Resource Division. These plans will be complete and ready for implementation within 1 year of the approval of the general plan by the State Park and Recreation Commission.



Bill Berry
Deputy Director
Park Operations

cc: Mark Schrader
Rick Rayburn
Keith Demetrak
Ted Jackson
Anza GP Team

Anza-Borrego Desert State Park General Plan Team			
Colorado Desert District		Southern Service Center	
Joanie	Cahill	Alex	Bevil
Mat	Fuzie	Mike	Bonk
George	Jefferson	Jeanice	Davis
Mark	Jorgensen	Michelle	Fredrickson
Tina	Townsend	Bob	Patterson
Dave	VanCleve	Chris	Peregrin
Sue	Wade	Clay	Phillips
		Allen	-

Survey of Indian sites urged for desert park

By ERNIE COWAN
EVENING TRIBUNE Dispatch

BORREGO SPRINGS — Delicate "archeological footprints" left behind by ancient man are rapidly being destroyed by modern man, according to

William Seidel, the first full-time archeologist at Anza-Borrego Desert State Park.

Seidel, 29, recently began work here under provisions of the Public Employment Program (PEP).

An anthropology graduate from San Diego State College, Seidel sees Anza-Borrego's half-million acres as a "fantastically rich area" of archeological history.

Park Supt. Maurice Getty said Seidel's job will be to survey the park for archeological sites, salvage early Indian artifacts before they are destroyed or taken and prepare displays to tell visitors about the early desert inhabitants.

This summer, Seidel and a student assistant will make an archeological survey of the Coyote Canyon area. He considers this a prime area of study.

"Coyote Canyon was an important Indian area that was self-contained. The Indians lived there year around and conducted their entire life cycle within the area," Seidel said.

As the park archeologist, Seidel won't be conducting any "digs" to investigate important Indian sites.

"I just won't have the time to do that," he said. "There is too much now to be done just to identify sites and save them from destruction."

He said the biggest threat to the archeological treasures of the park is the recreational vehicle.

"Unlike mountain areas, all archeological site in the desert are surface sites," he said. "This means someone driving a dune buggy or motorcycle can drive over a site and destroy much of what is there."

There is also the problem of the "pot hunter." This is a person who cares nothing about the historic value of an archeological site, but simply digs up artifacts to show friends.

Seidel feels thousands of artifacts have been taken out of the park with no record being made about where or when they were found.

Part of the archeologist's job will be to contact people with collections of artifacts in hopes they may be willing to turn them over to the park. This will be a voluntary program even though state law forbids private persons from keeping artifacts.

By collecting artifacts, a clearer understanding of the culture of early men can be obtained, Seidel said.

"I would even prefer an anonymous letter with a photograph of an artifact and all the information about it," Seidel said. "At least then we can record another find which will only add to our knowledge."

CARMEN LUCAS
P.O. Box 44
Julian, Calif. 92036

17 January 2003

Michael Sampson Associate State Archaeologist
Department of Parks and Recreation
Southern Service Center
8885 Rio San Diego Drive, Suite 270,
San Diego, Ca. 92108

Ref: your ltr dtd December 20,2002

Dear Mr. Sampson:

Thank you for your letter and the information contained there in, bring me up-to-date on matters concerning the archaeological sites, other places of cultural significance of Anza-Borrego Desert State Park. I tried to reach you by phone but you are out of town so I will put my thoughts on paper for you.

Unfortunately it is with regret that I found your letter somewhat confusing. In your second paragraph you state, " A majority of the General Plan team members including, Park Superintendent Mark Jorgensen and District Superintendent Dave Van Cleve, recommended that all but one area be designated as a Cultural Preserve within the current General Plan". Was this a miss statement? If not it leaves me confused. My memory of a conversation between you and I, and than latter joined by Mr. Jorgensen was that, Mr. Jorgensen felt that the so-called "Wilderness" provides adequate protection to Cultural sensitive areas. If my memory serves me, my position was that if the public is allowed to enter the so call "Wilderness" area to hick and remote camp than there-in is the potential to adversely impact Cultural Resources which can not be renewed or replaced. It is much like tress passing on private land, once it starts if the land owner does not curtail such activities then it becomes extremely if not impossible to stop the tress-passing. When it comes to the Cultural Resources the damage will be done and the invaluable history and the access to pristine resources will be lost with no hope of salvaging any thing of what once was and that would be a shame.

It is my understanding that the State Park has the mission to Preserve and Protect. Is it not also mandated that the State Parks set aside as cultural preserves areas that are large enough to provide for the effective protection of prime cultural resources from potentially damaging influences so that with in the cultural preserves the complete integrity of the resources shall be sought?

Your letter also informed me of the Executive Staff of California State Parks meeting in which Deputy Director Berry directed the staff of the Anza-Borrego

Desert State Park General Plan team to formulate management directives and a plan of action to protect cultural resources and culturally sensitive areas of the park. This plan is to be accomplished upon completion of the General Plan and written into the "Roads Management Plan" and the "Back Country Camping Management Plan" for the park. The letter went on to state that the two plans may result in the proposal of new cultural reserves and other management actions such as rerouting roads and trails away from archaeological sites, moving primitive camping locations away from sensitive cultural places and similar protection measures, and that the two plans are to be completed within a year of approval of the park's General Plan. .

A number of questions come to mind:

Why are the Roads Management Plan and Back Country Camping Management Plan not done as part of the General Plan? If the Roads Management plan and Backcountry Camping Management plan result in the creation of more cultural protection or cultural sensitive Locations why not designate them now?

Has Anza Borrego completed a thorough Archaeological Survey of the park to identify all of the Cultural Resources?

Do the planners plan on increasing the number of Culture Preserves or Cultural Sensitive Locations?

Are you saying that the Post Plan Roads Management Plan and the Backcountry Camping Management Plan is adequate?

If the Roads Management and the Backcountry Camping Management Plan happens after the General Plan completion, how can parks say that they are completely mitigating impact to Cultural Resources when adopting the plan?

Is this just a way to try to satisfy Cultural Resources specialists with out having a head-on conflict with the so-called "rights" of recreational user groups in the plan process?

Are you happy with this out come?

What can we do to get the most meaningful protection out in the desert?

Again thank you for your letter, as you know the protection and preservation to the Indian Cultural Resources with-in the State Parks are of grate concern to me and I appreciate the opportunity to express my concerns. Please keep me advised and if I can assist in the protection and preservation of the cultural resources please feel free to call upon me.

Sincerely,



CARMEN LUCAS
Laguna Mountain, Calif.

Copy to:

Courtney Ann Coyle, Attorney at Law

COURTNEY ANN COYLE
ATTORNEY AT LAW

HELD-PALMER HOUSE
1609 SOLEDAD AVENUE
LA JOLLA, CA USA 92037-3817

TELEPHONE: 858-454-8687 E-MAIL: COURTCOYLE@AOL.COM FACSIMILE: 858-454-8493

Bob Patterson, Senior Landscape Architect
Department of Parks and Recreation
Anza Borrego Desert State Park General Plan
88885 Rio San Diego Drive, Suite # 270
San Diego, CA 92108

Certified Mail
May 20, 2002

**Re: Additional Comments on Anza-Borrego Desert State Park General Plan Draft
Maps, Focus Zones and Matrices**

Dear Mr. Patterson:

This letter is sent on behalf of my client, Ms. Carmen Lucas. As you may remember, Ms. Lucas attended the recent General Plan public meeting on April 18, 2002 in Borrego and my office attended the April 30, 2002 meeting in Mission Valley. While we appreciate the work of your office towards creating a long-awaited Plan for the Park, we would also like to raise continued concerns over the treatment of cultural resources in the draft preferred alternative management zones map.

As related in our previous correspondence, the Park holds in stewardship a great deal of cultural resources of interest to *living native peoples*. It is unclear from the meetings as to why only one area is proposed as a natural/cultural preserve in the draft preferred alternative. This compares poorly to the Proposed Management Zones (Draft 6/21) Map 3 which showed a much greater and diverse area deserving of potential natural/cultural preserve designation. We would like to receive a copy of the State Park Archaeologist's report and map to managerial staff regarding potential areas to be designated as Preserves.

My client would be happy to sit down with staff, or go on site visits, to indicate areas that would benefit from the cultural preserve designation. If such areas are of sufficient size, combined with the natural preserve designation, adequately buffered and relate to more meaningful interpretation, the designation may prove a useful management tool for decades to come. We must look decades ahead and we must meet the mandates of existing law for certain areas:

Cultural preserves consist of distinct nonmarine areas of outstanding cultural interest established within the boundaries of other state park system units for the purpose of protecting

Bob Patterson letter
May 20, 2002

such features as sites, buildings, or zones which represent significant places or events in the flow of human experience in California. Areas set aside as cultural preserves shall be large enough to provide for the effective protection of the prime cultural resources from potentially damaging influences, and to permit the effective management and interpretation of the resources. Within cultural preserves, complete integrity of the cultural resources shall be sought, and no structures or improvements that conflict with that integrity shall be permitted. Public Resources Code Section 5019.74.

Because of disclosure concerns under the Public Records Act, and the need to maintain the confidentiality of culturally sensitive locations, we again extend the invitation to meet in person to discuss this very important issue. We are aware of areas that require complete integrity and protection. This issue is so important, we wanted to put it in writing.

After 70 years of having no General Plan, the Park has a one-time opportunity to set the stage for future management. What an opportunity to try to "get things right" the first time around. We hope that Parks will rise to the challenge and protect what needs to be protected now, and not wait for when the almost inevitable conflict between user groups and resource stewardship occurs. If the current proposed zones do not adequately fit the resources under Park's management care, then perhaps an additional zone should be conceived. For example, create a zone where cross-country hiking is allowed and overnight camping is focused. It would be a shame to completely underuse one of the existing tools in your new management toolbox.

Finally, regarding the equestrian focus group meeting, it was unfortunate that we were not invited, despite having formally requested such. We respectfully request copies of any formal or informal minutes your office may have for that meeting.

Thank you for your courtesy and cooperation and for responding to this letter in writing.

Very truly yours,

FILE

Courtney Ann Coyle
Attorney at Law

Cc: Mark C. Jorgensen, Superintendent
Steade R. Craigo, Cultural Resources Chief
Mike Sampson, Associate Archaeologist
Ms. Carmen Lucas

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Bob Patterson, Senior Landscape Architect
Department of Parks and Recreation
Anza Borrego Desert State Park General Plan
88885 Rio San Diego Drive, Suite # 270
San Diego, CA 92108

October 3, 2001

Re: Comments on Anza-Borrego Desert State Park General Plan
Draft Maps, Focus Zones and Matrices

Dear Mr. Patterson and General Plan Team:

This letter is sent on behalf of my client, Carmen Lucas. Ms. Lucas resides at Lucas Ranch, just south of the State Park boundaries along S1, Sunrise Highway. Her family, and her Kwaaymii ancestors, have lived in this area since time immemorial. Ms. Lucas, and her father before that, have enjoyed good relations with State Park staff and personnel. While we understand that public comment is essential in the development of the Plan, we hope and trust that comments of neighbors to the Park will be given additional consideration.

This comment letter will first address specific concerns regarding potential proposed uses near Lucas Ranch. Again, these comments are based upon the observations of one who has lived full-time for decades in the area. Second, we will address some of Ms. Lucas' more general comments on the Plan questionnaire.

A. Specific Comments

We have reviewed the Proposed Management Zones Maps dated June 21, 2001 and the Draft Management Zones Matrices dated June 11, 2001 as distributed by your office. Based on your direction at the September 24, 2001 Focus Group Meeting, this letter includes detailed and specific comments.

First, we would like more detailed information on the area designated in green Focus Use Zone 1 at the southern-most end of the Park on S-1, on or near the Lucky Five Ranch. We understand from the September 24, 2001 Focus Group Meeting that areas so designated indicate the potential for development and that any specific proposals will require compliance to criteria and an independent public review process. However, information regarding the following would be appreciated at this time:

Bob Patterson letter
October 3, 2001

1. What uses might be considered for this specific Focus Use Zone 1 area? Will the use range for this specific zone be narrowed somewhat during this General Planning process?
2. Will larger scale maps be created in this Plan process for individual Focus Use Zone 1 areas, such as this one?
3. If this area is designated for equestrian use, how will this use be restricted to equestrian use?
4. Has this area been surveyed for cultural resources? If not, when will it be surveyed and what will be done with the report and any associated artifacts?
5. What is the source of water for this potential use? What water consumptive accessory uses might be proposed: drinking water for humans, horses, showers, toilets, etc.?
6. What is the planned disposal mechanism for horse waste?
7. Will use be limited in numbers of individuals, horses? Will a lottery system be used?
8. Does the State Park have adequate and regular funding to properly staff, maintain and manage such a high intensity use in this specific area?
9. Will existing trails be used by equestrians? Will trails be multiple use (i.e. bikes allowed) or will they be dedicated to horse use only? Will new trails be created? If so, where would such trails start and stop?

Second, we would like information on the proposed use for areas at and near Kwaaymii Point. What use does State Parks propose for this area? If hand gliding is one of the proposed uses, how will it be managed to protect cultural resources and respect traditional cultural properties?

B. General Comments

In general, purpose and vision statements must not lose sight of State Park's stewardship responsibilities as established in the Public Resources Code. As you know, State Parks has a unique and special responsibility to protect the State's history and prehistory for all people.

Bob Patterson letter
October 3, 2001

Unit Purpose:

The continued philosophy to preserve and protect ensures future generations will have a place to visit and experience "How it was" and "How it still can be."

Unit Vision:

A vast preserve in which animals and humans alike experience creation in a natural state that enriches the spirit and soul in the gift of life.

Map 3:

Natural/Cultural Preserve Zones: As you know, there are some very sensitive Indian traditional cultural properties within Park boundaries. Map 3 attempts to protect and preserve some of these areas, many of which are quite pristine and retain great spiritual value and a link to the ancestors for living cultures today. We support the concept of Natural/Cultural Preserve Zones and would like the opportunity to discuss this issue further with you in person.

Will State Parks be controlling access to these sensitive and fragile areas? Has State Parks considered a lottery system, as is used in other places, such as Oregon for river use and camping, to assist in resource preservation?

Why are no Natural/Cultural Preserve Zones included in either Map 1 or 2? Can such areas be "blended" into those maps?

Will wilderness and wetland/riparian zones also have controlled access?

Questions for Focus Group Meetings:

Management Zone Content and Description, Cultural Resource Considerations:

- Appropriate cultural resource surveys should be conducted prior to, or concurrent with planning process, as the results of these surveys may determine the appropriateness of a particular proposed use designation.
- Once such resources are discovered, appropriate management may include leaving them *in situ* and not drawing attention to the resource.

Bob Patterson letter
October 3, 2001

- Continued human impact can adversely affect the cultural resource. With this in mind, if an area is open to public use, a lottery system to restrict the numbers of users at a particular time might be appropriate.
- Areas designated for the highest intensity of recreational use and highest social interaction with other park users, may not be compatible with cultural areas as the scale of negative human impact on park resources may be too great.

Management Zone Content and Description, Experience:

- In agreement that one of the primary responsibilities of the Department is to manage land for the health, inspiration and education of the people of California. With this in mind, you may need to adjust the descriptions of the management zones to ensure that areas will not be over-used by crowds of people. It can be the large numbers of humans that destroy the essence of a place, and one's sense of peace and wonderment.
- The so-called "hard-to-define values," often found in wilderness, wetland/riparian and natural/cultural zones, are what oftentimes create the sense of awe within people. "Wilderness zone" means leaving things in a natural state and the presence of few people.
- An array of management zones may not create frustration and confusion if the Plan makes sense and then the Park is managed in accordance with the established Plan. Changes from that may cause confusion.

Management Zone Content and Description, Access:

- Believe that camps/areas accessed by specific user groups makes sense as it maintains a certain area for people who have like interests. For example, horse use and mountain bike use may not be compatible as the former group may prefer quietness and the latter a more adrenaline experience.

Bob Patterson letter
October 3, 2001

C. Summary

Again, thank you for the opportunity to comment. We trust that these comments will be of use to you. We would be pleased to dialogue on any of these issues and can extend an invitation to meet onsite. Please place both my office and Ms. Lucas on the mailing list to receive all meeting and hearing notices, meeting and hearing packets/minutes and draft and final environmental documents and circulated plans for this project. Ms. Lucas' mailing address is: P.O. Box 44 Julian, CA 92036. We look forward to working cooperatively with your Team.

Very truly yours,

FILE

Courtney Ann Coyle
Attorney at Law

Cc: Ms. Carmen Lucas

Bob Patterson letter
March 3, 2003

Ruth Coleman, Acting Director DPR
Tal Finney, Acting Director OPR
Knox Mellon, State Historic Preservation Officer
Bill Berry, Deputy Director Park Operations
Mark C. Jorgensen, Park Superintendent
Steade R. Craigo, Cultural Resources Chief
Marla Mealey, Associate State Archaeologist
Mike Sampson, Associate State Archaeologist
Larry Myers, Native American Heritage Commission
Katherine Saubel, Tribal Chairwoman, Los Coyotes Indian Reservation
Anthony Pico, Chairperson, Viejas Band of Mission Indians
Ben Scerato, Chairperson, Santa Ysabel Band of Mission Indians
Howard Maxcy, Chairperson, Mesa Grande Band of Mission Indians
Rebecca Maxcy, Inaja Band of Mission Indians
Steve Banegas, Spokesman, Kumeyaay Cultural Repatriation Committee
Bruce Coons, SOHO Executive Director
Ms. Carmen Lucas